

## OFFICE COPY

Prepared By \_\_\_\_\_

Approved By \_\_\_\_\_

An act to amend Sections 1233 and 1233.6 of the Penal Code, relating to probation failure rates, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

DRAFT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1233 of the Penal Code is amended to read:

1233. (a) The Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall calculate for each county a baseline probation failure rate that equals the weighted average number of adult felony probationers sent to state prison during calendar years 2006 to 2008, inclusive, as a percentage of the weighted average adult felony probation population during the same period.

(b) For purposes of calculating the baseline probation failure rate, the number of adult felony probationers sent to prison shall include those adult felony probationers sent to state prison for a revocation of probation, as well as adult felony probationers sent to state prison for a conviction of a new felony offense. The calculation shall also include adult felony probationers sent to prison for conviction of a new crime who simultaneously have their probation term terminated.

SEC. 2. Section 1233.6 of the Penal Code is amended to read:

1233.6. (a) Probation failure reduction incentive payments and high performance grants calculated for any calendar year shall be provided to counties in the following fiscal year. The total annual payment to each county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total probation failure reduction incentive payments and high performance grants to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released

no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation-revocation failure reduction incentive payments and high performance grants completed by the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in April and May of each year.

(c) There is hereby established, in the State Treasury, a State Community Corrections Performance Incentives Fund, which shall be continuously appropriated. Moneys ~~budgeted~~ appropriated for purposes of providing probation-revocation failure reduction incentive payments and high performance grants authorized in Sections 1230 to 1233.6, inclusive, shall be ~~deposited~~ transferred into this fund from the General Fund. Any moneys ~~deposited~~ transferred into this fund from the General Fund shall be administered by the Administrative Office of the Courts and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230. ~~The Legislature may allocate up to~~ No more than 3 percent of the funds annually deposited into the State Community Corrections Performance Incentives Fund, as calculated by the Department of Finance, shall be appropriated for use by the Administrative Office of the Courts for the costs of administering this program.

(d) For each fiscal year, the Director of Finance shall determine the total amount in the State Community Corrections Performance Incentives Fund and the amount to

be allocated to each county, pursuant to this chapter, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund as authorized in subdivision (c) to each county in accordance with the report.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2011 at the earliest possible time, it is necessary that this act take effect immediately.

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Approved By \_\_\_\_\_

## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Probation failure rates: reduction incentive payments.

Existing law, operative until January 1, 2015, establishes a State Community Corrections Performance Incentives Fund for purposes of providing probation failure reduction incentive payments and high performance grants to the counties. Any moneys budgeted for these purposes are deposited into the fund. Existing law requires the Director of Finance, in consultation with specified entities, including the Joint Legislative Budget Committee, to calculate for each county a baseline probation failure rate that equals the average number of adult felony probationers sent to state prison during calendar years 2006 to 2008, inclusive, as a percentage of the average adult felony probation population during the same period. The Legislature may allocate up to 3% of the funds annually deposited into the State Community Corrections

Performance Incentives Fund for use by the Administrative Office of the Courts to administer this program.

This bill would provide that the State Community Corrections Performance Incentives Fund shall be continuously appropriated. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would provide that moneys shall be transferred, rather than deposited, into the fund from the General Fund.

The bill would require the Director of Finance to calculate the amount, not to exceed 3% of the funds annually deposited pursuant to these provisions, to be appropriated for the administrative costs of the program. The bill would also require the Director of Finance to calculate for each county a baseline probation failure rate that equals the weighted average, rather than the average, number of adult felony probationers sent to state prison during calendar years 2006 to 2008, inclusive, as a percentage of the weighted average, rather than the average, adult felony probation population during the same period.

The bill would require the Director of Finance to determine, for each fiscal year, the total amount in the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to these provisions, and to report those amounts to the Controller. The bill would also require the Controller to make an allocation from the State Community Corrections Performance Incentives Fund to each county in accordance with the report. The bill would also make technical changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

DRAFT